

REPORT I
Analysis of the Sector and of Capabilities of Potential
Partner Organizations

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The Statement of Work for the Buy-in (DO 28) lists three outputs of the consultancy. This report is responsive to the requirement for "a report on the administrative and institutional capacities of the organizations assessed in conjunction with fulfilling # 1 of the Scope of Work (Assess the administrative and Institutional capacity of the organizations with which the Mission proposes to work; the judiciary, newspaper organizations/press clubs, women's legal rights NGOs and the Institute of Education.)

Methodology

In performance of the task the consultant, Dr Robert Charlick, visited Tanzania from April 9 to May 1, 1995. He conducted interviews with many relevant individuals and representatives of Tanzanian organizations (see People Contacted in Appendix I), read available documentation, and consulted broadly both with U.S. Government personnel who had worked with the relevant actors, and with representations of the following donors (Royal Danish Embassy, Royal Netherlands Embassy, British High Commission, British Council, ILO, and informally with representatives of the Canadian High Commission, and Swedish SIDA. During the visit, Dr Charlick spent a total of five days conducting interviews and visited outside the capital, in Dodoma, Morogoro, and Zanzibar.

This activity was planned by USAID/Tanzania as part of a series of visits by technical specialists in preparation of the Project Paper for the Tanzanian Democratic Governance Project, a project which had at the time of the consultancy been approved as a New Activity Description (621-0182). Other technical specialists involved in this activity were drawn from USAID/Washington (Jenna Luche, WID Specialist, and Yolanda Comedy, Global/D specialist in Civil Society) and from REDSO/ESA (John Harbeson, Regional Democracy Advisor). Unfortunately, the technical specialist had to be scheduled to be in country at different times, and could not interact in the field (with the exception the visit of Yolanda Comedy during the last week of Dr. Charlick's consultancy. Since reports by the earlier specialists contained little specific information of administrative and institutional capacity of the associations they visited, their work was of little direct use in the preparation of a "team view" or of this report. Additional information may be available to the mission, particularly from the WID advisor who visited a number of women's organizations.

In addition, during a portion of Dr Charlick's interviews, a representative of AID/Tanzania from the Financial Accountancy Office was present to conduct a pre-project qualification assessment of NGOs. Some of this information will complement the current report (see report of Robert on trip to Zanzibar of April 19-22, 1995).

This report is organized according to the proposed project components in the NAD for the TDGI. For each section there is a analytic discussion of the issues involved the sector and the potential

partner institutions, and specific information, where available on these institutions capabilities. The overall framework for this project, and discussion of specific project activities may be found in a second report covering outputs 2 and 3, and covering tasks 2 and 3 of the Statement of Work.

Institutional Analysis--the Judiciary

An institutional analysis of the judicial system must involve both a summation of court capabilities and of the formal and working rules governing the exercise of the "judicial discipline" (ie. the incentive structure and capacity for jurists to make ruling in an impartial manner as defined by law.)

A full analysis of the technical capacity of the Tanzanian judiciary has been undertaken by the Financial and Legal Sector Management Upgrading Project (FILMUP) which produced ten sub-studies for the legal sector alone. These reports have been completed and should soon result in detailed recommendations for action. It will not be duplicated here, except to reiterate the obvious management and material problems besetting the formal judiciary in Tanzania today. At the lower levels courts are inadequately equipped in every way to perform their function. They lack adequate supplies of the most basic equipment (files, folders, paper etc.). Lower court judges are inadequately trained. At every level judges and magistrates lack access both to statutory law and to the amended Tanzanian constitution. The problem is particularly severe at the Primary and District court levels where it is impossible to conceive of most judicial decisions being made on the basis of a good understanding of the current law of the land. In addition, Tanzania, and particularly Zanzibar are only emerging from the long period of domination of courts by the party-state and its political apparatus which severely limited, and on the islands totally aborted the principle of rule of law. The net effect of these facts was a perception on the part of a substantial strata of the public that judicial process could not serve the individual well or provide legal protection against the state, and individuals connected to the state who could affect "court processes." The existence of "Ward Tribunals" on the mainland, and or "People's Courts" on Zanzibar reflected the highly political nature of so-called "judicial" processes, conducted mainly by party officials with no legal training.¹

Much has changed in the past decade on the mainland, and particularly in the past three years since the passage of a constitutional amendment to legalize political competition and to officially end the single-party state, yet it would be naive to suggest that the habits of the recent past have died, even while some of their institutional remanent (ten cell organization, and ward tribunals, for example) still survive and play a significant role in the lives of ordinary Tanzanians. The perception of persistence of political pressures, particularly on lower (District and Primary) courts is particularly acute on Zanzibar where little change has occurred in the relationship between party officials, district and

¹"Quasi Judicial Institutions and other Alternative Dispute Settlement Mechanisms," A Report to the FILMUP Study on Administration of Justice and Legal Education and Training in Tanzania, by McAuslan et. al., June 1994, NORAD, pp. 75-84. For a brief description of the Zanzibar judiciary see "General Overview of Zanzibar Judiciary: Its Problems and Future Plans to the Year 2000, typewritten, n.d. issued by the Registrar of the High Court of Zanzibar, 1995.

regional commissioners, and court officials, particularly as regards the treatment of political opponents.²

In addition, the Tanzanian dispute adjudication process is complicated by the existence of "customary" principles which may or may not be consistent with statutory and constitutional law. For the mainland, this custom is embodied in the inclusion of lay "assessors" who participate as full partners in primary courts. In fact assessors can overrule the judgement of a primary court judge based entirely on their interpretation of "customary law." Ironically, not all custom is necessarily equally represented by the assessors. In a primary court jurisdiction with a significant Muslim population (Gairo, in Morogoro District) we found that none of the assessors were Muslims.) On Zanzibar, a parallel Kadhi court assures that custom and religious belief (nearly the totality of residents are Muslims), and many disputes, particularly civil and marital law disputes, simply do not go to the primary court level. These complexities represent serious legal problems and liabilities particularly for the rights of women and minority groups.

Exceptional progress, on the other hand, has been made in the High Court and Court of Appeals on the Mainland in adjudicating legal disputes according to legal norms and with reference to constitutional principles. With the strong support of Chief Justice Francis Nyalali, and with the courageous leadership of High Court Judge Mwalusanya, a number of judges have rendered decisions challenging all or part of statutes which limit individual rights (See Annex I for a brief description of these cases in the past year).

Still, many people, including jurists and notably the Chief Justice, contend that the courts are overloaded with cases, that cases take far too long to get through the adjudication process, and that the result is both justice poorly served, and "justice" corrupted as people attempt to get judges to exercise their discretion to facilitate their cases.

The workload issue and case backlog issues cannot be properly assessed from the data which has currently been provided to USAID.³ Partial evidence, however, does suggest a problem both in the High Courts and in the Resident Magistrates (RM) Courts. For the High Court of Dar es Salaam the number of cases pending at the end of 1993 and 1994 amounted to over 50% of the total number of

²An illustration of these perceptions is the document by Ali Haji Pandu, A Case for International Monitors and Supervisors in Zanzibar Elections, Civic United Front (CUF) 1994, which cited specific cases of the use of police and local courts to harass opposition party leaders, mainly on "hidden weapons" charges. We are not judging the validity of these claims, but merely presenting evidence of strongly stated perceptions.

³In the course of this consultancy I was able to see two of the 10 sub-studies produced for FILMUP. The study on "Legal Aid and Legal Literacy" sponsored by Danida, should be available to the mission within days and should be very helpful to both this component and to the component on women's legal assistance.

new cases filed. In two RM courts in the Dar es Salaam area (Kisutu and Kivukoni) the problem was even more severe with the percentage of cases pending at the ends of 1993 and 1994 approaching 90% of new cases filed.⁴ Although the introduction of the "individual calendar" in court proceeding since the beginning of 1994 (a system in which a single judge or Magistrate takes responsibility for a case throughout its adjudication process), appears to be helping somewhat on backlog, and should certainly be helpful in assuring more careful judicial consideration of cases, it is apparently not providing a major remedy to this situation. Since judicial caseloads are already high (High Court Judges and RMs already decide on average between 120 and 150 cases per year, and since funding for judicial employees and for judicial training is not likely to accelerate in the near future, there is clearly a need, at least on the Mainland, for another approach to improving court efficiency and effectiveness in resolving problems now.

Comparable data, supplied by the Registrar of the High Court of Zanzibar (for the year ending February 1994), reveal a similar problem, with backlogged cases at the Primary Court level representing 28% of new filings, at the District Court level 23%, at the RM court level 44% and at High Court level over 50%. At the High Court level most of the backlog is in civil cases involving probate.⁵ Interestingly, however, the Chief Justice of Zanzibar did not identify this overall pattern as a problem, and focused on the problem of the District level courts where in statistical terms the data for 1993-94 does not appear troubling. This is probably because in 1994-95 most of the District Courts judges were on leave, causing a temporary had problem for which no data was yet available. He did not seem at all interested in ADR at the High Court of RM level.

Finally, it should be pointed out that case loads have been raising and are likely to continue to do so, both because as the liberalization of the economy produces more opportunities for commercial conflicts, and as people (particularly women) learn more about their legal rights and attempt to find remedies in law. If in addition, the popular regard for the courts as instruments of more objective

⁴"The Individual Calendar Development Report," author and date unknown, report supplied to USIS/Tanzania by Chief Justice Nyalali.

⁵Data supplied orally by the Registrar of the High Court of Zanzibar on April 19, 1995.

Level	Status			
	Newly Filed	Heard	Backlogged (%)	
Primary	1017	810	287	28%
District	2506	1977	589	23%
RM Court	256	150	115	44%
High Court	208	95	113	54%
OF WHICH				
<u>Civil</u>				
Probate	116	47	69	
other	24	12	12	
<u>Criminal</u>				
Murder	12	12	0	
Other	56	24	32	

"justice" raises, it may be expected that caseloads will escalate increase significantly.

The Special Case of Justice on Zanzibar

There are a number of reasons to think that the judiciary of Zanzibar could still not benefit very much from this project with its specific goals and objectives. First, the courts and the legal profession of Zanzibar are significantly behind those of the mainland. It has only been since 1985 that Zanzibar even formally revived the rule of law after over 15 years of the total absence of professional judicial process and the rule of the revolutionary "People's Courts" operating under total control of the Zanzibari President. During this period no judges were trained, no advocates were allowed to appear and no rule of law was in force.⁶ This dark period left Zanzibar's judiciary so weakened and so subject to political intervention that it has yet to recover. The Zanzibari judiciary suffers from an acute shortage of judges and magistrates at every level. In fact, there are insufficient regular High Court judges on the bench to fulfill the requirements of the law. Judges must be recruited on contract basis from the mainland from among people with limited judicial experience, and then their tenure is both tenuous and often short. At the RM and District Court levels, training of judges has not yet begun to provide for the minimal corp of magistrates needed. According to a study conducted by the Registrar of the Zanzibar High Court, the judiciary of Zanzibar is unlikely to be able to satisfactorily meet its minimum personnel requirement by the Year 2000.⁷ In this context, if USAID were interested in contributing to the restoration of a meaningful rule of law on Zanzibar, it would have to be willing to be involved in a major, long-term training and equipping activity, and not just in an intervention which would complement a judicial system with problems, but with some manifest potential.

Political intervention in court decisions is also still a significant problem, with numerous actions being taken by local police and magistrates to hamper opposition political activity and to threaten opposition leaders with criminal prosecutions.⁸ The recent decision of the High Court of Zanzibar to overrule the decision of a Regional Commissioner (RC) to prevent opposition political leader Serf Sharif Hamadi from campaigning on a part of the Isles is heartening, but it is hardly sufficient to demonstrate the reversal of a long-standing trend. In the particular case the actions of the regional commissioner were so blatantly contrary to the Zanzibari Constitution that the prosecutor refused to support the RC in even bringing the case.

⁶"General Overview of Zanzibar Judiciary,op.cit, pp. 2-3.

⁷"General Overview of Zanzibar Judiciary,op. cit, p 8.

⁸See a brief discussion of the situation of the judiciary and of human rights performance on Zanzibar see the report by the Danish embassy "Discussion Paper: Human Rights, Rule of Law and Political Legitimacy, Tanzania," March 1995.

Primary Courts

Our preliminary survey indicates little need for, or utility to extending formal ADR procedures or training to the primary court level. In effect, such a system is already in place with the establishment of the "Ward Level Tribunals," in principal in all 2143 wards on the mainland. In Zanzibar a system of informal respected elders (Shebas) functions to provide mediation. This system was replaced by mediation conducted by party (first ASP, then CCM) branch chairmen, only to have the older shebas system re-instated in 1992 after the sanctioning of multiparty politics. A system of religious courts, the Khadhi Courts (in this almost entirely Muslim part of the Republic) also parallel the secular court system, and also informally employ mediation and conciliation as a major mechanism for the settlement of marital dispute and minor civil disputes. In addition, the procedures employed in the Primary Courts of the Mainland, where local "assessors" play an integral part of deciding primary court cases, assure that customary norms and efforts at mediation along the lines of these norms are used extensively, supplementing and in many cases supplanting decisions based on formal statutes. Although Ward Tribunals are deeply rooted in CCM single party organization and rule, and will have to be altered as the principles of multipartyism and constitutional separation of party and state become better understood, there is little point in focusing training at this level or in constructing another ADR mechanism at that level until a broader set of local governance issues are well ironed out.⁹ In addition, it does not appear useful to rely totally on Primary Court Judges to conduct ADR mediation for a whole series of reasons ranging from their need for close cooperation with community authorities; to their low level of education and training, to the fact that at best there is only one judge in each court at this level, compromising the neutrality of possible subsequent judicial proceeding which the same judge would have to hear. Finally, data gathered from around the Republic suggest that the problem of court access and backlog simply does not exist at this level. One report from Zanzibar suggests that only about 10 to 20 cases per year come to primary courts in Zanzibar. While the number is higher in mainland primary courts, it does not appear at all excessive.¹⁰ For these reasons, the project will not seek to work at the primary level but rather to follow its guiding principles concentrating at the levels of greatest bottleneck and potential for enhancing the legitimacy and strength of the courts and the broader legal community.

Institutional Analysis--the Media

⁹For example on Zanzibar, the shehia mediators are appointed by the Regional Commissioners and must "subscribe an oath of Allegiance before the Regional Commissioner." (Mbarouk, in McAuslan, op cit. p, 82). Since Regional Commissioners are not only members of the Executive Branch, but are to this point CCM party officials, this system can hardly be said to respect the principles of neutrality or separation of powers.

¹⁰See the report of Mbarouk Mbarouk Registrar of the High Court of Zanzibar, in McAuslan et al, op cit, pp. 82.

The ARD Democratic Governance Assessment presented a detailed description of Tanzania's media, particularly of the print media as of early 1994.¹¹ Since the time of that report the media has continued to expand and diversify in Tanzania, and to become progressively more involved in political and electoral reporting. According to the new Director of the Tanzanian press, there are currently 250 publications issued in the country including 5 dailies and 39 weeklies. Several new english language papers have emerged in the past year including the daily The Guardian and the much less regularly and professional issued Post.

In the print media, the most important developments have been with the relatively greater treatment of opposition parties and leaders in the government controlled press, and with their somewhat less biased coverage of them. The Daily News, for example has begun to print texts of some opposition parties without editorial comment as part of its voter education program. Newspapers of the "mass organizations," like the OTTU (Federation of Tanzanian Labor Unions) paper Mfanyakazi as recently as Spring 1994 took a strictly CCM position on labor issues and electoral races. With Augustine Mrema leaving CCM and joining NCCR-Mageuzi as its National Secretary and now as its Presidential candidate, Mfanyakazi has adopted a much more favorable position toward covering NCCR-Mageuzi, and has even urged workers to look carefully at which party and leaders really represent their interests, instead of automatically supporting CCM.

Media Workers Organizations

The organization of media workers has followed a pattern similar to that of the society at large, with the substantial discrediting of the CCM aligned association, and the creation of both specialized and general alternatives. For the most part these alternatives have significant external support and are still in their formative stages organizationally, but they have already made a major impact on the media seen. TAJA, the Tanzanian Journalist Association, an association which media workers were previously forced to join, has lost a great deal of credibility. There is some talk about its de facto demise. This situation resulted from TAJA leaderships' reluctance to defend the liberalization of the media against various governmental attacks including the proposed Media Bill of late 1993, and the proposed government-sponsored media council in early 1995. In reaction, two other general associations have developed-- MISA (the Tanzanian chapter of the Media Institute of Southern Africa) and AJM (the Association of Journalists and Media). Both have taken much more independent position in resisting the imposition of government control over the private media, but both are embryonic as professional organizations and have extremely limited internal capability. In addition specialized associations such as TAMWA (Tanzanian Media Women's Association) and JET (Environmental Journalists of Tanzania) have emerged to promote specific issues. TAMWA has become a significant player in promoting women's rights, particularly in combatting violence against women, and has expanded its activities from journalism to legal aide work in order to be effective in this area. JET has worked closely with Swedish SIDA in helping to publicize and promote environmental NGOs working on a variety of natural resource management issues.

¹¹ARD, Inc. West et.al. ., The Transition to Democratic Governance in Tanzania, op. cit, pp. 93-100.

Finally, another the "Press Clubs" are another player of the media scene, serving in some places to assist journalists by attracting important public presentations which they can cover (such as Nyerere speech in mid-March, 1995 at the Dar es Salaam Press Club. They may also be useful venues for gathering journalists for training workshops. Although we have little solid information on press clubs in the major centers outside the capital, two observations may be made. First, the Press Club of Dar es Salaam, under the leadership of Adarsh Nayar, an independent photo journalist, does not appear to be a very active association. In the past it has served as a forum for prominent figures to present their ideas at a press conference luncheon at the Kilimanjaro Hotel. Since journalists could not afford to undertake such a luxury regularly, speakers were asked to finance this forum themselves, limiting it to those who are sponsored or who are relatively well off. There is no evidence that the Press Club has served as a professional association, promoting journalists interests or training. Regional Press Clubs may serve a more useful purpose. The Press Club of Dodoma, for example, currently has 24 members (of which about a dozen working journalists) and a formal leadership and membership structure. The Dodoma Press Club has served as a venue for some professional development, and its leadership has expressed interest in participating in training workshops. AN issue which must be considered, however, is that given the extreme weakness of rural radio, or of non-governmental newspapers outside the capital, it would be natural for regional press clubs to be dominated by CCM affiliated journals, who are used to working closely with TAJA. This is certainly the case in Dodoma where Press Club leadership is drawn from the Daily News and Radio Tanzania personnel. Every effort must be made to make certain that in regional centers independent journalists (part-timers, stringers, etc) as well as journalists who are not affiliated with TAJA or with the press club, are invited to participate. Since there are members of AJM in Dodoma, this might not present much of a problem.

The Institutional Environment for a Liberalized Media

Although the Tanzanian media continues to operate in a much freer environment than was true a few years ago, the overall legal-institutional environment is still not very favorable. The 1976 Newspapers Act remains in effect, despite the fact that a high level commission appointed by the President (the Nyalali Commission) suggested that it was unconstitutional. With the introduction of private radio and television outlets, the law's effective control over all forms of media expression has been significantly reduced, although Tanzania has yet to see a vigorous alternative source of news reporting on these media outlets. In addition, the government has used the act to close down several additional newspapers in the past year on charges of printing obscene materials. Another paper faces serious charges regarding information on a contract which the government claims is protected by the Official Secret's Act. In general, many Tanzanians are sympathetic with government limitation on the excesses of journalism when it appears to violate public morality, and there has not been a massive outcry against the actions taken against these newspapers. More ominous are the actions which the special police (the Field Force Unit) have taken against journalists in a few incidents involving the coverage of opposition rallies, and notably of the rallies Presidential candidate A. Mrema held in the Moshi-Arusha area in March 1995.

In addition, the government, via its current Minister of Information Philip Marno, continues to

pursue the issue of a Media Council, and President Mwyini as recently as early April, 1995 repeated the assertion that it is essential to control the media. This proposal, first introduced as a bill in 1993 has yet to be finalized and has encountered by heavy opposition not only from the Tanzanian media,, but also from international donors and NGOS (such as the Washington Office on Africa). MISA (The Media Institute of Southern Africa) has countered with a proposal for a voluntary and independent media council which the government has not yet accepted. In late March 1995 Minister Marno announced that the media council bill would be withdrawn and that the principle of an independent, voluntary, but statutory council would be acceptable in principle, but only after the media put in place a "code of conduct." Partially in response to this media sources agreed to endorse the "Declaration of Zanzibar" on election coverage, which set forth a voluntary code of ethics and behavior. It is not clear that the Ministry of Information has accepted this document as a sufficient code for it to abandon its long standing desire for a government directed media council.

Just as important to a free media and a more transparent political system are the ongoing problems which journalists confront in obtaining information and reactions from government officials. In part, this stems from the continued operation of the Newspaper's Act, and in large measure for the habits of a generation. As was the case a year ago, journalists still find government officials reluctant to release information or to offer comments on issues which journalists raise and wish to confirm prior to publication. This contributes significantly to the unsubstantiated nature of charges in the media, and to subsequent charges by governmental officials of press irresponsibility.

Institutional Analysis: Building a Rule of Law Society Through Civil Society: Support to Women's Legal Rights

The 1994 ARD Democracy Assessment provided extensive information both on gender and legal associations and on the legal environment in which they operate. This analysis will not repeat that effort. Instead it will note what has changed in the past year, offer additional information on the capabilities of specific organizations visited during the present consultancy, and discuss briefly continuing issues which facilitate and constrain NGO actors, particularly those working in the civic domain.

In the past year NGOs have continues to form and grow, to become more diverse, to become more active in civic life, and in some instances to become more divided. As multipartyism begins to become a reality and actors of all kinds position themselves in this new era, competition among NGOs and networks has been heating up. In part this competition is the result of other political movements trying to establish affiliates in the form of NGOs to challenge the superior position of actors historically supported by (controlled by) the CCM. To the extent NGOs are permitted to develop on Zanzibar, it may be expected that many existing ones will be seen as linked to the ruling party, while others, now trying to registrar will be seen as aligned with CUF. In some cases this alignment may be real. In others, it is a reflection of the fact that many people becoming involved in civic life today are motivated by their desire to change the regime and its behavior (some are former prisoners and see themselves as victims of the regime). Naturally, they are regarded as opponents by those in power. Although this factor is much more pronounced on Zanzibar today, and while all

NGO leaders publicly present their associations as strictly non-political, it is a general phenomenon throughout the Republic.

This is linked to the second, and perhaps more important factor. NGOs, like many other aspects of politics in Tanzania's emerging competitive society, tend to be associated with individuals. Many see the proliferation of NGOs as an expression of the search for income and work on the part of individual leaders. Tanzanians now talk openly about "briefcase" NGOs. Certainly, many NGOs have developed their own proposals for projects in civic education in the current setting, with little coordination among themselves. In addition, competition among NGOs and even among umbrella organizations tends to take on a distinctly personal color. The current struggle between associations positioning themselves to lead voter education activities for women (between UWT, Bawata, Catholic Women's Association, Maliyamkono's Education for Democracy project and others), incorporates all of these elements (party, personal careerism, personal attacks). Efforts on the part of some donors to attempt to coordinate NGO activity in this area (notably the Political Gender Cluster, fostered by the Netherlands) confront these same issues. In essence, it is currently impossible to find a single networking or umbrella NGO which is viewed by others as neutral, objectively inclusive and not itself dominated by personalities and favoritism. This development is understandable, and is certainly part of the dynamic of pluralism, but is also troubling, with the potential to weaken and discredit vital civic activities.

Meanwhile, the limitations and constraints facing NGOs have altered somewhat. While most NGOs are still very weak organizationally, operating with no permanent offices and no full-time personnel, others have been able to add significant capability, largely with donor financing of equipment, staff positions, and projects. Many see this trend also as problematic, as donors pick winners and capture the agenda of associations which may initially have their own clear approach and set of concerns. There is a real danger that picking of winners at this point, based on the presumed financial accountability of NGOs, with inadequate attention to the personal character of their leadership, or to their own attachment to their base (if any) can weaken and discredit NGOs as actors in the civic domain. There is no easy answer in the current context, apart from close and continued monitoring of what is in fact happening, and sensitivity to the legitimate internal needs of developing NGOs at various levels of Tanzanian society. From a donor point of view, this requires significant effort and skill, and above all a sensitivity to the fact that if NGOs are to be more than small businesses, donors cannot simply work with them as pass through mechanisms for their own programs.

Finally, the legal environment for NGOs has not changed significantly in the past year, although the practice of governmental control has become less obvious and potentially restrictive rules have generally been less severely applied. The prevailing attitude of the current regime is certainly to continue to want to control all forms of associational life, and to prefer a single apex organization to a multiplicity. Struggles on the part of professional organizations, such as TAMWA (Women's Media Professional Association) and AJM (Association of Journalists and Media Workers) have involved government claims that one professional association (TAJA, in this case) was sufficient. Similarly, struggles to register TANGO (Association of Tanzanian NGOS) and TGNP (Tanzania Gender Networking Program) have involved perceptions by government officials that these networks would undermine the dominance of key ministries (in this case Social Welfare) and existing umbrella

associations linked to them (TACOSODE, an association initially of older social service-oriented NGOs).

While it is still taking considerable time to get registers with the Ministry of Home Affairs under the still operative Societies Ordinance of 1962, on the mainland newly formed associations are finding other mechanisms for formalizing their relationship with government. Some are incorporating as non-profit firms under the Ministry of Commerce as did TGNP after Home Affairs delayed in responding to their application for registration, while others, like the Legal and Human Rights Center have incorporated as Trusts (The Tanzania Legal Education Trust). While this process seems to be working at the moment, there is no assurance that it is sustainable, since under the Societies Ordinance the Registrar may ask any association to register under that act if in his opinion it is now involved in activities that go beyond its original mandate and touch on political life.

These problems are compounded on Zanzibar, where the registration process appears to be highly political, and where even under the new March 1995 Societies Act, the Registrar of Societies may refuse to register where "it appears to him that the society is being used for any purpose prejudicial or incompatible with the maintenance of peace, order or good governance," and he may de-register societies for the same reasons. This "new" law is a modest reworking of the 1952 British colonial statute, codified in 1963 on Zanzibar. All applications for registration must first go to the Chief Minister, who appears to make an initial decision based on his opinion of the leadership of the proposed association. Given the recent behavior of the Chief Ministry in summarily canceling at the last minute a conference on Constitutional Principles on the grounds that it was "inappropriate to hold such a workshop," it is difficult to be too optimistic about the lawful and objective nature of his decisions on registering associations.¹² In this particular instance, the conference had been organized by a registered NGO, The Zanzibar Legal Services Centre, whose leadership (Haroub Othman) is not viewed as being aligned with the opposition.

Perhaps it is sufficient to repeat that any donor working to promote legal and rights reform through by supporting NGOs will need to continue to be vigilant about rights of association and willing to engage with government at times on this issue.

Capabilities of Potential Partners for this Project Component

Promoting legal rights for women through NGOs involves two distinct clusters of actors-- those specifically involved in gender issues, and those involved in legal aid and legal issues. This section first reviews the capability of potential lead associations for this activity, those with broad networks or large membership bases. It then examines a few of the principal NGOs which work on related issues and which might be potential grant applicants and recipients.

Potential Umbrella Mechanisms

¹²Daily News, April 25, 1995 p 5.

Tanganyika Law Society (TLS)

The TLS is the Bar Association of the mainland, with a weak equivalent on Zanzibar. It is created by statute, grouping all practicing advocates, but also permitting and encouraging all other legal workers (jurists, lawyers other than advocate etc) to join. The TLS has recently embarked on a program of upgrading its capacity. It has raised its annual dues to 32,000 shillings (young lawyers can join for 20,000), and has engaged a full-time coordinator. The Society reports that it current has about 275 member lawyers. Its facilities are still dismal, but it has ambitious plans to improve them and is seeking about \$100,000 in support from NORAD (and eventually from other donors) to improve its facilities and to expand its legal aid clinics. TLS currently does not have a professional accountant in house, but has its books audited annually.

TLS has no specific women's law program, however its clinics serve a number of women, and demand for the program from women is high. Its legal aid program dates to 1969 when it was authorized to provide aid in criminal cases under state-financing. Not only does this financing not cover civil cases, it is grossly inadequate to compensate member lawyers who are assigned such cases. Legal aid is administered by a separate committee of the TLS (the Legal Assistance Committee) and women lawyers have been active in this group. The TLS published (irregularly) its magazine, The Lawyer, Tanzania, edited by a leading woman lawyer. In addition, it workshops provide valuable continuing educations for lawyers as well as inform the public debate on a number of vital issues, including democratic reform.

While the TLS is currently insufficiently equipped and staffed to provide close administrative oversight to the proposed AID Women's law project component, it does have high credibility and is fully committed to some of the projects goals. If the project is funded, TLS should be encouraged to apply for a grant.

TANGO

The Tanzanian Association of NGOs is certainly now the most well developed and staffed umbrella organization of NGOs. Formed by women's organizations after the 1985 Nairobi conference marking the end of the UN Decade of Women, it has had a gender focus from the outset and now has a WID Technical Committee composed of 23 member NGOs working on aspects of gender issues. The WID committee has plans to work on legal literacy and legal rights activities, however, it has been devoting most of its energies in the past year to preparations for the Beijing Conference on Women. This activity and other projects have interfered somewhat with its internal development (in August it postponed for one year its conference of member organizations and its internal elections.) TANGO currently has an Executive Director (Olive Luena), an Accountant, four Program Officers, and supporting staff. It has office space in City Centre, but is planning to move to better facilities in the near future.

A number of donors work closely with TANGO in the implementation of programs, but the Netherlands is very active in building its capacity, currently supporting three full-time program officers. Although TANGO does accept contracts to implement project activities, and is currently

being considered as a partner in a UNDP micro-enterprise activity, it publicly presents itself as a coordinating organization, referring activities to its members.

Despite TANGOs rather impressive staffing and facilities, several recent evaluations have pointed to its shortcomings in management, technical implementation and networking.¹³ Although its internal management problems are noted, what is more troubling are contentions that it is insufficiently participatory and inclusive in its activities. A number of NGOs interviewed expressed concern about the allocation of funding and the referral of new projects to them, and some perceive TANGO as having too much of a centralizing mentality, building its own core organization at the expense of the base. There are also questions about the mainland bias of TANGO on the part of several Zanzibari legal and women's groups.

TGNP (Tanzania Gender Networking Programme)

TGNP is a NGO registered, in October 1993 as a not-for-profit company. It is the product of an organizational on the part of dozens of groups to prepare for an East African Women's Conference held in Kampala in June 1993. Through the experience of coordinating activities, developing joint strategies around legal reform, structural adjustment, and a proposed Equal Opportunities Act they discovered the value of gender-based networking and determined to constitute a permanent networking organization in Tanzania. Although they were met with resistance, and found it impossible to get registered under the Societies Ordinance, with external support and advice (Netherlands WID program has worked closely with them from the outset) they were able to resolve this issue.

Now TGNP is a network of 82 registered NGOs and a number of less formal CBOs (Community-based organizations) which they assist to organize at the regional level. One of the unique qualities of TGNP in fact is its close connection to often informal grassroots and regional women's associations. They are making use of this network to conduct grassroots civic education activities with Swedish support. Due, in large part to on-going and substantial assistance from the Netherlands, TGNP has been able to create a permanent headquarters with adequate space to run regular weekly discussion programs meetings of member NGOs to discuss policy and programs. TGNP now has three full time employees, and it has developed a Five Year Action Plan based on extensive consultations with its constituent groups.

Thus far, TGNP has conceived of itself as a coordinating body, and as a network for multiplying the effectiveness of member NGOs in the process of influencing government policy and legislation. In this regard, it is one of the most highly developed issue- oriented NGO lobby groups in the country. Specifically, it has attempted to work with parliamentarians and with parliamentary committees to get a new piece of legislation tabled on inheritance. It has also attempted to work with the National Electoral Commission on election procedures which are less discriminatory against women. The

¹³University World Service (for Canadian CIDA) report by Oldale and Hayata; Report by Gottfried Mwamanga funded by Belgian NGO COOPIGO.

thrust of its voter education program flows from this. It urges women to identify "gender-sensitive" candidates of either sex, and to support them on the issues. It is looking forward to the next parliament which it hopes will be more competitive and autonomous of the executive, as a place where its lobbying efforts may prove more successful.

TGNP has not, thus far conceived of itself as a implementing organization. It has looked to TANGO for this. But it now sees TANGO as having limited capacity, and it "questions their perspective" as being too top-down and centralizing. TGNP members whom we met expressed interest in becoming involved in the management of the proposed grant fund, if the project enabled them to add implementation capacity and did not divert them away from their internally defined Five Year Program. If AID seeks to work with TGNP, as is recommended in the Legal Aid to Women section of Report II, it must be prepared to negotiate with a partner which has its own ideas and agenda, and which will need some help if it is to take on implementational tasks.

ANGOZA (Association of NGOs of Zanzibar)

ANGOZA is an association of approximately 13 of Zanzibar's 21 registered NGOs. It was formed in 1992 and registered in May 1993 under the leadership of K. Khalfon, Director of the Association for the Disabled. NGOs on Zanzibar have emerged in response to the incapacity of the Ministry of Women and Children to get anything done or to serve the interests of these groups.

ANGOZA sees itself as facilitating the work of other NGOs and not as an implementational organization. It helps with legal support to draft constitutions and present their applications for registration. It has not had an active legal aid program for a broader group of clients, and expresses no interest in getting into this now. Instead, its major agenda beyond its facilitative role seems to be to try to influence legislation involving women's rights, particularly rights of inheritance which confront widows. Its major approach, given the current climate on Zanzibar seems to be to try to influence high ranking political leaders (such as the President) directly, to try to explain issues to them so that they can take corrective action.

ANGOZA has no organizational capability. It depends on the Association of Disabled for space and limited resources, and on volunteers for work. It has run one workshop in Zanzibar on NGOs and Democratization (with U.S. Embassy 116e support). Although the workshop was competently done, it has run into financial difficulties since it has no funds to cover expenses prior to being reimbursed. ANGOZA's Vice Chair, Moza Mohamed, is an active member of TANGO's technical committee on WID, however, as a leader of ANGOZA she does not recommend managing grant funds which might be available to Zanzibari NGOs through TANGO.

(For additional information see the report of Robert (AID Financial Management Office)

Legal Aid and Human Rights Groups

Legal Aid Committee, University of Dar es Salaam

The Legal Aid Committee of the Law Faculty of the University of Dar es Salaam began in 1967 after

a struggle to get approval from the University. Over the years it ran a series of successful legal aid camps in 13 sporadically in 13 regions of the country. These legal aid clinics became the model for many other organizations, and the committee helped others set them up.

Prior to privatization, committee lawyers were very active in bringing a series of human rights cases which tested some of Tanzanian's most abusive laws. More recently, the committee has been experiencing difficulty in finding lawyers and law faculty members willing to handle the cases which come to them, because of conflict with their private practices. As a result the activities of the committee in legal aid have fallen off dramatically. DANIDA has been a major supporter of the Committee in the past. The Committee's internal management practices, particularly its lack of clear financial record keeping, resulted in a conflict with several donors, and notably with DANIDA. But the problem is more a matter of available manpower than of funding, and there is no near-term solution to this issue, unless lawyers can be compensated for their legal aid work. Committee members still take a few pro bono cases, but overall as an institution the Committee has declined in importance as a legal aid actor.

(For more information see the ARD Democratic Governance Assessment, 1994).

Legal and Human Rights Center of the Tanzania Legal Educational Trust (TANLET)

The Legal and Human Rights Center is technically a division of the Tanzanian Legal Education Trust, founded in 1988 by a group of lawyers.¹⁴ This device permitted them to establish a Human Rights group against considerable governmental resistance. In effect the LHRC only began operation in mid 1994 with the material assistance of a Canadian NGO, CUSO (Canadian University Services Organization), and a project grant from another Canadian NGO NOVIM. Currently, the LHRC has ambitious plans, but very limited resources to carry them out. During the course of 1994 the Centre had plans to offer regular legal clinics in two neighborhoods of Dar es Salaam, where District Commissioners were being overwhelmed by complaints involving legal issues (in Ilala and Temeke). Neither has materialized as yet. Instead, LHRC staff worked on several legal briefs, at the request of a group of dismissed railway workers, and a group of displaced pastoralists from the Mkomazi Game Reserve. In both cases they provide legal briefs, and have pursued court action on the pastoralist case in the High Court of Moshi. More recently, LHRC has been trying to produce several booklets on voter education with the support of a German NGO. Thus far, they have simply lacked the capacity to fulfill their promise. With the departure of Ibrahim Juma in March, 1995 LHRC effectively has no professional staff, apart from a secretary. One additional problem which the Centre confronts is that fact that most of the founders of TANLET are prominently identified with one opposition party (NCCR-Mageuzi), leading some to see the Centre as politicized. It is true that the trust and center were founded by people who sought to challenge the abuses of authority of the CCM regime, and therefore it is natural that they would be viewed with suspicion. In a true multiparty environment, this problem may decline.

Tanzania Women Lawyer's Association (TAWLA)

¹⁴See Report of the Legal and Human Rights Centre of TANLET, August-November 1994.

TAWLA registered as a non-profit making society (not as an NGO under the Societies Ordinance) in 1991. It is loosely associated with the Tanganyika Law Society and effectively groups most of the women in the Bar (about 30 advocates) and another 70 or so members who support its activities. TAWLA went through a leadership change in 1994 which resulted in a new set of officers and a much greater level of activity. Its last election before 1994 was in 1989 and the organization had more or less gone dormant except for a few legal aid referrals. TAWLA members still take on legal aid cases, generally referred to them by the YWCA in Dar es Salaam. It also gets referrals from religious groups like WAWATA (see below). Member lawyers conduct these cases on a voluntary basis without financial support from TAWLA. The current head of TAWLA (Hamida Sheikh) claims that they undertook about 300 legal aid cases countrywide in the past year. This figure is unconfirmed.

TAWLA claims that it has initiated seven new projects including an ambitious legal research and public legal literacy program. But its resources and staffing clearly don't permit this level of activity. TAWLA currently has no professional staff or office space. It is engaged in a fund raising activity with foreign donors to try to engage at least one full time coordinator. For the moment, though full of ideas and good will, TAWLA has limited capability. TAWLA is another group which resists channeling its funding and proposals through TANGO, and there seems to be a personal conflict between the leaders of these groups.

Welfare Through Law

Welfare Through Law was registered in 1990 under the Trustees Incorporation Ordinance. It has a board of six, and a total of about 60 members who volunteer in various activities to help women, poor people and the handicapped. Welfare Through Law is now closely linked to TAWLA through their overlapping Chairs (Hamida Sheikh), but it is difficult to sort out the degree to which WTL is currently a separate functioning NGO, or is merely a group of lawyers who agree to do pro bono legal aid cases. Without question WTL members do take a significant number of legal aid cases involving women. For 1993 they claim to have handled about 30 cases, paying all costs including the taxi-fares of plaintiffs and witnesses from their own pockets. The cases predominantly concerned violence against women, alimony, child custody, sexual abuse and incest.

WTL operates out of Hamida Sheikh's law office, with no space or staff of its own. It has had a recent 116e grant to produce simply legal education brochures, and has had difficulty completing the task. While its Director claims that this is because WTL is so participatory that many people had to read and edit the work, more obvious explanations, including the director's extraordinary level of professional and volunteer commitment might seem an adequate explanation.

WAWATA (Catholic Women's Association)

The Wanawake Wakatoliki Tanzania (Catholic Women Organization or WAWATA) is affiliated with the World Union of Catholic Women Organizations and was established in 1969. It is an example of an old service-oriented NGO (involved mainly with child care cleaning of churches) which has

transformed itself in the current context. Today, they are helping women develop leadership skills; they have a \$87,000 credit fund to help women start business enterprises and help women develop business skills; and they have an active civic education and women's legal rights agenda. They are trying to assist women in voting and in running for office, and have put forth a large \$250,000 proposal for the October 1995 campaign (unfunded). WAWATA has a number of women lawyers in its membership and does referrals for legal aid to women. They have also tried to lobby the National Law Reform Commission directly through its Chair on legal reforms of particular relevance to women (notably land tenure and inheritance law).

WAWATA does have permanent office space and a professional staff (one full-time employee in Dar Es Salaam and another who will be hired to work in rural areas.) It has received grants from CARITAS, the Swiss Catholic Women's League and from other donors. One organizational advantage which WAWATA claims is its grassroots support structure building from the ten house cell (now called "basic communities") to the parish, the diocese and national level. It remains to be seen if this structure is truly functional in a bottom-up sense and can be effective in communicating issues both ways connecting rural communities to national policies.

UWT- SUWATA

Since SUWATA is still officially regarded as a branch of the UWT, and therefore as political connected to CCM, it will not be considered as a grantee at this time. It should be pointed out, however, that many legal activists, including some known to be sympathetic to NCCR, do not regard SUWATA in this way, and participate in its legal aid clinics because they constitute the most viable on-going form of legal assistance current available to women. The usual explanation is that SUWATA was set up as a "limited liability company" technically a division of UWT (the Women's Union *Umoja wa Wanawake*) in 1984 at a time when no other organizational framework was viable, and that it has been attempting to delink itself from UWT and CCM without success in the past few years. In fact, its profit making activities of small scale enterprise are pretty much defunct, leaving it mainly with its legal aid program. With the formation of BAWATA, UWT now has competition at the national level as well, and may eventually succeed in delinking. Should SUWATA be able to legally delink from UWT, it should be considered as a potential grantee.

Regional and Zanzibar

Kilimanjaro Women's Information Exchange and Consultancy Group (KWIECO) Legal Committee

KWIECO is a Moshi-based NGO, organized in 1987, and primarily a professional women's group, although its membership is open to all local women. Its main activities, organized by committees, are legal education and counselling, health education, and assistance in economic self-reliance. It reaches women throughout the Kilimanjaro region through networking with other women's groups.

Members of the KWIECO legal committee include two private advocates, several magistrates and

several non-lawyers. The committee draws up an annual program; the main focus for several years has been women's legal education. Committee members speak frequently to local women's groups on women's legal rights and hold weekly legal aid clinics. Like all other private women advocates, the two in Moshi are overwhelmed with pro bono cases - they are committed to litigating ten each in 1994.

KWIECO was the subject of a visit by WID/Washington advisor as part of this design effort, and more up to date information may be forthcoming from her report.

Human Rights Monitoring Group (HURIMOG)

This group, based in Arusha was the subject of a visit in 1994 and no subsequent information is available at this time. Since it was visited again by AID/W WID specialist, more information may be forthcoming. For earlier information refer to the ARD 1994 Democratic Governance Assessment.

Zanzibar Legal Services Center

This NGO is one of the rare registered associations working on legal rights and legal aid issues on Zanzibar. Established in February 1992, it received its certificate of registration in July. ZLSC was effectively been operational for little more than a year. During that time it was been involved in about 10 legal aid cases, although it has taken limited action in a number of others where a simple letter to a Ministry could suffice. It also has been involved in civic education organizing several workshops, including the recently aborted workshop on constitutional principles (supported by Swedish SIDA). ZLSC contributes to legal and civic education as well through its twice monthly radio program on Radio Zanzibar. It is seeking to do a TV program as well.

ZLSC has one full-time staff members, but has been staffed by volunteers for its professional activities. It has adequate office space and equipment made possible through a substantial start-up grant from SWISSAID. Its accounts, although maintained by a volunteer are audited. It has received additional small grants from NORAD and DANAIDA. ZLSC apparently has plans to expand its activities and to recruit a full-time lawyer to serve as program coordinator. As it is, ZLSC must be counted as one of the best organized NGOs on Zanzibar, apart from the Association for the Disabled, a ten year old quasi governmental service NGO.

Generally, ZLSC must be viewed as a non-political NGO, although in the current political climate on Zanzibar even it has come under attack. One of its founding members, advocate and manpower specialist at the UDSM, Fatma Mghimbi, currently heads the women's wing of opposition party CUF, although she has taken a leave from ZLSC for this period. Other founding members, Haroub Othman and Hassan Said Mzee, both advocates to the High Court of Zanzibar, are, in anything closer to CCM than to the opposition, and Mzee is a member of Zanzibar's Electoral Commission, appointed by President Salmin. ZLSC should certainly be considered a possible recipient of a grant under this program if it expresses a interest. ZLSC is one of a number of Zanzibari NGOs who says that it prefers not to work through a mainland umbrella NGO for its grant request. (For additional

information see the report of Robert from AID/Tanzania's Financial Management Office, and ZLSC's brochure entitled (strangely) "Transform Justice into Passion."

Catalyst Organization for Women's Progress in Zanzibar (COWPZ)

Founded in late 1990, COWPZ is barely operational. In April 1995 it opened an office in Zanzibar city with support from DANIDA. COWPZ was started as an association of high-ranking women functionaries, and is chaired by the current Minister of Finance Amina S. Ali. Although its principal activities involve economic projects for women (such as a pottery enterprise), it gets involved in women's rights as it attempts to assist rural women.

Zanzibar Association of the Disabled (UWZ)

See report of Robert from Financial Management Office. This well established is technically an NGO, but it receives significant support, including buildings and equipment from the government to carry out social welfare work. It has received grant support from numerous foreign NGOs which deal with child welfare and disability issues. It is well staffed in its headquarters and has paid field workers.

UWZ's relevance to this project is twofold. First, it is interested in working on legal and policy issues insofar as they involve rights of the disabled, and tries to influence by process by assisting in the drafting of legislation. Tanzanian law regarding the rights of the disabled does not apply on the islands. Second, it is and has been a catalyst for the development of an NGO movement, taking the lead in the formation of ANGOZA. Its director, K.H. Khalfon, is honorary chair of ANGOZA, and provides it with vital political and logistical support. ANGOZA uses UWZ offices for its meetings.

Institutional Analysis—Education for Democracy by Supporting The Reform of the Secondary School Curriculum for Civics

The National Educational Policy debate which surfaced in the Tanzanian press during the Spring 1995 session of Parliament provides ample evidence for the poor and declining state of Tanzanian schools. Yet schools are the place where the greatest opportunity lies to educate and socialize the next generation of Tanzanians about democracy.

A full review of the state of Tanzanians schools is well beyond the scope of this report, and would duplicate World Bank studies in any event. Suffice it to agree with the Tanzanian author of a recent article¹⁵ who demonstrates that the Ministry of Education now claims only 4% of public budgetary allocations in Tanzania, compared to nearly 12% a decade ago, and who demonstrate the disastrous consequences of this decline. On the whole teachers are poorly paid and have experienced a two-thirds decline in salaries since 1978. Teachers are therefore forced to pursue supplementary

¹⁵Frorian Robert, " Education Development needs Heavy investment," Guardian, April 27, 1995, p. 5.

occupations including private tutoring in the evening, for survival, and can spend little time on lesson plans or homework corrections. Classrooms and textbooks have declined comparably as well.

As a result of poor schools and poor employment opportunities for graduates, Tanzania now has by far the lowest rate of secondary school enrollment in the region (enrolling only 4% of the age cohort, compared to 23% for Kenya). Currently there are XXXXX "O" level secondary school students in Tanzania, in XXX secondary schools. Community financed schools have taken up the slack in some parts of the country (notable in Arusha which was 76 secondary schools), but not in others (like Kigoma, which has only eight secondary schools). The increase in private education, particularly at the secondary school level, will improve schools in favored regions and for the better off, but will do little to extend secondary education for most Tanzanians. Clearly, if USAID intends to reach a large number of citizens and future citizens through civic education, its approach must go beyond the formal secondary schools.

In addition, the issues of developing and successfully implementing a new civic education program solely through the schools are significant. Tanzanian schools previously taught political education at "O" (ordinary or lower) secondary level (equivalent to grades 8-12, now called Standard I-IV. These courses involved a predictable amount of basic information about the Tanzanian society, state, and economy, but featured a heavy dose of ideology and party (CCM) doctrine. They were taught in Swahili. Historically, political education teachers at this level had a certain status in their schools as "political commissars."¹⁶ With the amendment of the constitution to accept multipartyism, and with the growing economic liberalization of the economy these courses were no longer acceptable, and have gradually been dropped from the curriculum. Secondary schools are now under orders to develop a new civics course which will not be partisan, and which will incorporate the ideas of democratic pluralism. They are also under orders to offer these courses in English. Tanzania's existing core of "social studies" teachers may have a difficult time making this transition, even if they have excellent materials at their disposal. There may well be problems of motivation to relearn and deliver the new curriculum. They may well have language problems in dealing with the new concepts.

The issue of the development of a new social science curriculum is complex. On the one hand, educators are very concerned about the urgent need to change politically oriented course materials in line with the new political environment. On the other hand they are very confused about what to do. Teachers and educators do not seem sufficiently clear about what the policy of the government is on what should be taught, and which "messages they are being expected to put across." Until the messages from the top are clearer about this, it may be very difficult to get broad agreement on the content of the new curriculum. In any case, it will be impossible to implement this curriculum without undergoing a process in which this agreement is reached by all relevant parties, including the instructors in the Teachers' Colleges. In the meantime, under orders to change, some educational institutions are apparently already introducing new programs; other have modified existing ones, but

¹⁶Based on an interview with Political Science Professor Max Mmuya who was previously associated with the Ideological College.

there is still very great uncertainty about the content and about the teaching methods which should be employed.¹⁷

Officially, the institution charged with creating this new curriculum, is the Tanzanian Institute of Education, describes as a parastatal attached to the Ministry of Education. Although the Institute's facilities are adequate, its budget for curriculum development, printing of materials and teachers' training is clearly vastly inadequate. Interviews with Institute personnel charged with the task of developing the entire Standard "O" civic education curriculum revealed that while the Institute has some internal capability to develop an outline curriculum, it lacks the resources and perhaps the specific subject matter expertise to translate the general outline into a well developed teaching program, textbook, and set of lesson plans for the four year program in civics.¹⁸ The outline curriculum for the entire civics program, moreover, is extremely broad. While it contains plans to deal with topics related to democracy, much of it deals with other topics and many of these seem to be influenced by a persistent view of a state which must dominate and control the economy in order to produce development and equitable social outcomes. It is very unclear to what degree the Institute, if it had the resources, would produce a civics course which would adequately examine the tenants of a liberalized polity and economy, the principles and values of democratic political processes, and realistic visions of how current institutions function within the current legal and constitutional order. We have been unable to determine whether the institute is receiving funding from any other donor to help remedy these problems. According to the personnel with whom we discussed the issue, they are not currently being assisted in this area.

A second Tanzanian institution which has an direct interest in the development of this curriculum is the Institute of Adult Education, which runs the adult secondary school program using correspondence course techniques. It is clear that this institute is waiting for the Institute of Education to produce the materials before it can train its own teachers and implement the program with its 11,300 student.

Key to the long-term success of this process are a number of steps which will be outside the manageable interests of AID- notably the reform of Tanzanian public schools as institutions which help address the real needs of students and families, and the satisfactory budgeting of schools to perform their minimum roles. The question which confronts AID as a donor is whether in these conditions it can contribute to the process of enhancing democratic civics education without relying solely on the capabilities and political will currently found in the Ministry of Education and its Institute.

Fortunately, education for democracy has become a very vital topic in Tanzania today, with a number of organizations developing programs to reach largely adult citizens who are not in formal schooling.

¹⁷Drawn from Volume I of the Danida REDET Preappraisal, *op.cit.*, pp. 21-22.

¹⁸We interviewed Mr Mbunda, Director of Personnel and Management of the Institute and subject area specialists Mr Wani (social science) and Mr Kapinga (Language and Arts).

The two most important are the "Education for Democracy" Project run by the Eastern and Southern African Universities Research Programme (ESAURP), and the Civic Education Project of the Department of Political Science of the University of Dar Es Salaam. Both now have the administrative infrastructure and intellectual capacity to produce basic civic education programs, and both focus nearly exclusively on education in Swahili.

For a variety of reasons the University Political Science Department appears to be the more capable actor in producing educational material on democracy. It has, in fact, benefitted from a \$450,000 start-up grant from Danida, a portion of which was designed to produce a Swahili language book on the foundations of democracy (entitled Msingi ya Demokrasia.) The Political Science Department team apparently had some difficulty producing the book, and was ultimately joined by two journalists and an external consultant. The book was to be published in October 1994, and should be available now. External reviewers found the book comprehensive but abstract and lacking in concrete and specific examples. This points to the fact that there may be significant difficulties simply adapting existing materials, or in expecting the Department of Political Science to be capable of making these adaptations without significant assistance from educational specialists. In addition, the REDET project which the Department of Political directs will apparently be the recipient of an additional \$2.4 million from Danida, raising questions about its management and intellectual capacity to take on an additional task. Now the less, the fact that it has considerable intellectual talent, and is already highly involved in thinking about educating for democracy makes it a potentially very attractive partner. The REDET project is being reorganized into four task forces, each working on reaching a particular target group (political leaders, trade unionists, teachers in teachers colleges, and rural women.) It reports that it has engaged a full time administrator to run the project, and that much of the work will be done in task forces, lessening the management burden on its professional core. Given these facts, it should certainly be considered as a partner in this work, both as a potential developer of the materials, and as a potential user of them in its program of civic education with teachers.

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